

Report to Area Plans East Sub-Committee

Date of meeting: 2 June 2010

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
EPF/67/09 Chestnuts, The Green, Theydon Bois**

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Landscape Officer (01992 564120)
Committee Secretary: M Jenkins (01992 56 4607)**



**Epping Forest
District Council**

Recommendation(s):

That Tree Preservation Order EPF/67/09 is confirmed without modification

Report Detail

Background:

Tree Preservation Order EPF/67/09 was made to protect a Horse Chestnut tree within the front garden of Chestnuts, Theydon Bois.

The property is at the junction of The Green with Loughton Lane and overlooks the green. The tree is mature and estimated to be 70 years old. It is 10metres tall with a crown spread of 9.2metres.

Objection to the Tree Preservation Order :

Two objections have been received –

1 – A report by Tim Moya Associates has been commissioned by the tree owner and objects to the Tree Preservation Order for the following reasons ;

- a) There is no justification in terms of expediency for the serving of the tree preservation order.
- b) The assessment of the public amenity value is not consistent with best practice guidance, no consideration appears to have been given to the existing form and condition of the tree or the fact that there are more prominent and publicly recognised important trees nearby which diminish the wider public value of the tree. The loss if the tree would not have a significant detrimental effect on public amenity.
- c) The likelihood of the tree to decline, given its age, condition and susceptibility to disease suggests its retention is unsuitable and that its contribution as a public amenity will be limited to the short term only.

2 – The owner has also submitted a separate letter which objects to the Tree Preservation Order for the following reasons ;

- d) damage is being caused by this tree to the paving slabs on the front drive and entrance porch of the property.
- e) the tree is dying and dangerous because it has bleeding canker.

Head of Planning Services Comments

a) The information received from the Parish Council, Theydon Bois Rural Preservation Society and the local Tree Wardens, was that the property had recently changed hands and concern was raised that without a Tree Preservation Order the tree could be felled prior to an application being submitted for the redevelopment of the site. The tree is deemed by the Parish Council to be an important part of the street scene, and, to ensure that proper consideration is given its future, it was considered expedient to make the Order.

b) The Government advice about the creation and serving of Tree Preservation Orders does not provide a rigid framework to assess trees for inclusion within an Order. It states that the amenity value of the trees should be taken into account in the form of their visibility, individual or group impact, and wider impact.

The justification for making this order was -

“This is a mature Horse Chestnut tree which stands in a very prominent position within the front garden of this property, which faces The Green. As such it is very visible and has high amenity value.

Following a change in ownership of the property, the Parish Council have requested that this tree is protected because of its importance within the local street scene.

It is therefore considered expedient to make this order to ensure that proper consideration is given to it in any future planning application which may be received to redevelop the site.

In making this Order, the Council will be acting in accordance with Policy LL7 of the Adopted Local Plan and Alterations (adopted 1998 and 2006).”

It is considered that this justification does follow the Government guidance.

c) and e) It is acknowledged that the tree has bleeding canker. However, there is nothing to suggest that the tree is in such decline that it needs to be felled imminently as a result of this infection. Regular inspections of the tree (as would be recommended to any tree owner) will ensure that the effects of the bleeding canker are monitored and managed. The confirmation of this Order allows the Council guidance in the ongoing management / maintenance of the tree. It will also ensure that a suitable replacement is planted in due course.

d) The property has only recently changed hands. It is unlikely that the damage to the paving and the front porch will have occurred since the purchase. No information has been provided to the Council to support the claim that the damage to the front porch is due to tree roots. The paved driveway is not new and it is reasonable to expect some wear and tear over a period of time.

Conclusion

Whilst it is acknowledged that the Horse Chestnut tree has bleeding canker, by making this Order the Council will ensure that should any tree work, or felling be required, replacement planting will retain a tree at the frontage of this property. It is therefore recommended that the Order is confirmed without modification.